

## **REMARKS / ARGUMENTS**

### **Status of Claims**

Claims 1-10 and 21-24 are pending in the application and stand rejected. Applicant has canceled Claims 2 and 21-24, amended Claims 1, 3 and 10, and added new Claims 25-26, leaving Claims 1, 3-10 and 25-26 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

### **Amendments to the Specification and Drawings**

Applicant has amended Paragraphs [0017-0018] and Figure 1 to include reference numeral 111 directed to the element representative of an electronic dump valve 111 of monitor 110. No new matter has been added as antecedent support may be found in the specification at Paragraphs [0017-0018] and at Figure 1 as originally filed, which describes and illustrates the electronic dump valve 111 and its function within the blood pressure monitor 110. Here, Applicant merely includes reference numeral 111 to highlight an element that was already disclosed.

### **Objections to the Claims**

Claims 1, 10, 21, 23 and 24, are objected to because of certain informalities.

Applicant has amended Claims 1 and 10 as suggested by the Examiner, and has canceled Claims 21, 23 and 24.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these objections.

**Rejections Under 35 U.S.C. §103(a)**

Claims 1-3 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hood, Jr. (U.S. Patent No. 4,501,280, hereinafter Hood) in view of Lazzaro et al. (U.S. Patent No. 5,054,494, hereinafter Lazzaro).

Regarding Claims 1 and 2, the Examiner acknowledges that Hood does not disclose the deflation valve 104 connected “intermediate” the monitor 101 and cuff 109, and looks to Lazzaro to cure this deficiency. Paper No. 04252005, page 4.

Claims 4-9 and 21-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hood in view of Lazzaro as applied to Claim 3, and further in view of Ueda (U.S. Patent No. 4,200,259, hereinafter Ueda).

Regarding Claim 4, the Examiner looks to Ueda for disclosure of a pneumatic tube detachable to a connector of a deflation valve. Paper No. 04252005, page 6.

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Additionally, Applicant respectfully submits that obviousness cannot be supported by a proposed modification that would render the prior art invention being modified unsatisfactory for its intended purpose. *In re Gordon*, 221 USPQ 1125 (Fed. Cir. 1984); MPEP §2143.01.

**Regarding Claims 1-10**

Applicant has canceled Claim 2, and has amended Claim 1 to include the limitations of Claim 2, and more, such that Claim 1 now recites,

“An automatic non-invasive blood pressure monitoring system, comprising:  
a blood pressure monitor having an electronic dump valve;

a blood pressure cuff;

a deflation valve detachably and pneumatically connected with and intermediate  
said blood pressure monitor and said blood pressure cuff, said deflation valve being  
manually operable and configured to rapidly deflate said blood pressure cuff independent  
of said electronic dump valve; and

a controller for automatically controlling said blood pressure monitor;

wherein in response to a single-handed operation of said deflation valve by an  
operator, said blood pressure cuff is allowed to rapidly deflate absent a need for an  
operator to separate said blood pressure cuff from said blood pressure monitor.”

No new matter has been added as antecedent support may be found in the specification and drawings as originally filed. For example: Paragraphs [0017-0018] and Figure 1 disclose and illustrate an electronic dump valve 111; Paragraph [0018] and Figure 1 discloses and illustrates a deflation valve 130 configured to operate independent of and quicker than the electronic dump valve 111; and, Paragraphs [0016-0018] disclose a deflation valve 130 responsive to single-handed operation for rapidly deflating the cuff 120 while avoiding the need for an operator to separate the cuff 120 from the monitor 110.

Dependent claims inherit all of the limitations of the parent claim.

In comparing the References with the instant invention, Applicant submits that the References, taken either singly or in combination, fail to teach each and every element of the claimed invention, and render the prior art invention being modified unsatisfactory for its intended purpose.

Applicant has amended the claimed invention such that the invention now includes both an electronic dump valve 111 and a manually operable deflation valve 130, where the deflation valve 130 is configured to rapidly deflate the blood pressure cuff 120 independent of the electronic dump valve 111.

If the valve 104 of Hood was to be replaced by the valve 1 of Ueda, not only would the combination of Hood and Ueda still be missing an element of the claimed invention (namely the electronic dump valve 111 in combination with the deflation valve

130), but also the modified Hood would no longer work for its intended purpose, which relies on valve 104 being controlled by microprocessor 102 and not manually (see Hood, col. 4, lines 31-33).

Also, if the valve 208 of Lazzaro was to be replaced by the valve 1 of Ueda, not only would the combination of Lazzaro and Ueda still be missing an element of the claimed invention (namely the electronic dump valve 111 in combination with the deflation valve 130), but also the modified Lazzaro would no longer work for its intended purpose, which relies on valve 208 providing a pressure bleed to reduce the pressure in line 206 in a controlled manner (not manually) such that pressure transducer 212 can generate an electrical signal on line 204 that is linearly proportional to the pressure in line 206 (see Lazzaro, col. 23, lines 22-32).

In the claimed invention, the function of deflation valve 130 is to rapidly deflate the blood pressure cuff 120 independent of the electronic dump valve 111, which is used for a more controlled pressure bleed. In the modified Hood and the modified Lazzaro, only a single valve is disclosed (which is a controlled valve in each of the un-modified references, and a manual Ueda valve in each of the modified references, but not a controlled valve in combination with a manual valve).

By modifying Hood and Lazzaro as suggested by the Examiner, the Examiner appears to have changed the purpose of Hood and Lazzaro from one of a controlled pressure bleed (un-modified) having the purpose of generating a signal representative of the blood pressure under analysis, to an uncontrolled pressure bleed (modified) having some unknown purpose.

Where the modified Hood and the modified Lazzaro each lack a teaching of each and every element of the claimed invention and each teach a structure having a different unknown purpose, it necessarily follows that the modified Hood and the modified Lazzaro cannot teach a deflation valve configured to rapidly deflate a blood pressure cuff independent of an electronic dump valve, as claimed for in the instant invention.

Accordingly, Applicant submits that not only do the References lack a teaching of each and every element of the claimed invention, but as modified, the References are

rendered unsatisfactory for their intended purpose, and therefore cannot properly be used to establish a prima facie case of obviousness.

Regarding Claims 21-24

Applicant has canceled Claims 21-24, thereby obviating this rejection.

In view of the foregoing, Applicant submits that the References fail to teach or suggest *each and every element of the claimed invention* and are therefore wholly inadequate in their teaching of the claimed invention *as a whole*, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, discloses a substantially different invention from the claimed invention, and results in a modified reference that is rendered unsatisfactory for its intended purpose, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

Regarding New Claims 25-26

Applicant has added new Claims 25-26.

Claim 25 is directed to an invention similar to that of Claims 1, 4 and 10 combined, with additional limitations of a user interface 114 and a display 112, which are disclosed at Paragraph [0012] and Figure 1. No new matter has been added.

Claim 26 is dependent on Claim 25 and includes an additional limitation of allowing different cuff sizes to be connected to the monitor, which is disclosed at Paragraph [0002].

In view of the previous discussion relating to Claim 1 and claims dependent therefrom, Applicant respectfully submits that new Claims 25-26 are directed to allowable subject matter and respectfully requests entry and notice of allowance thereof.

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §103(a) have been traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

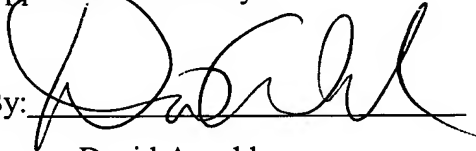
The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 07-0845.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

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## **AMENDMENTS TO THE DRAWINGS**

Please amend Figure 1 to include reference numeral 111 directed to an electronic dump valve of monitor 110. The drawing amendments are described in the application as originally filed and discussed below. No new matter has been added.